

DAILY GAZETTE

J. H. KOGLER, Editor.

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The Further Discussion.

EDITOR GAZETTE:
 As the ability and fitness of Judge Prince for the office of Chief Justice has been the fruitful theme of discussion, and I have not yet expressed an opinion on the subject, I would like to do so through your columns.

If I knew of any fact or circumstance tending in the least to support the charge of corruption, I should, in the interest of pure administration of law and justice, disclose the same on this occasion; but I am not aware of any such fact or circumstance, nor do I know of any judicial act, ruling or decision of Judge Prince, which even envy, hatred, malice, or jealousy, could possibly characterize as corrupt or even construe to be such. On the contrary, every judicial act, ruling and decision of his, and of which I have any knowledge, evidences the fact, that he has the integrity, firmness and courage to decide impartially, honestly, and in accordance with law and justice between every class of suitors, be the cause what it may, and however popular or unpopular the plaintiff or defendant may be.

It is also alleged that he is ignorant of our common-law system of pleadings and practice that he, in fact, knows nothing about law. To be candid, and it being the Christian belief that "an open confession is good for the soul," I myself said so at the last March term of his court here, and also at the last August term thereof; and the only reason I then had for so stating was, that at the former term, I filed in a certain case pending in the court, a demurrer which I really believed would be sustained, but I had scarcely read the same when he overruled it, and then cut me off from making, in its defense, an argument which I then deemed legally sufficient to prove to him that it ought to be sustained. Being surprised and quite angry at the summary manner in which he disposed of it, I stated afterwards to some members of the bar that he did not know even the rudiments of law, and that he was utterly unfit for the position he holds; but, upon having a short time subsequently more fully investigated the matter than I had done before, I found that he was perfectly right in overruling said demurrer as he did, and that no argument I then could have made in support of it, could persuade a learned and honest Judge to do otherwise than overrule it.

Again, at the last August term of the court, his ruling on a certain point which then arose in the progress of the trial of a case in which I was engaged, so provoked me that I, a second time, stated that he did not know a particle of law, and that he was, by reason of his ignorance thereof, wholly incapable of discharging the duties of his office; but, as in the other case, I afterwards found that the ruling complained of by me was correct, and that I have misconceived the law in this case as I had misconceived the law in the case of the demurrer. Consequently, I have since concluded that Judge Prince knows much more law than I do; that he is, in fact, a man of considerable legal ability, and being scrupulously honest, and possessing a high sense of honor, that he is eminently fit for the honorable position he holds; and I am also convinced that every case which may be presented to him in a clear, logical and legal form, will receive all the judicial attention, consideration and sanction which the merits of the same and the law applicable thereto may require. It is also stated that Mr. Clancy is an importation of Judge Prince. This is not so. Mr. Clancy, who is a member of the bar himself, was practicing law in the Second Judicial District of this Territory when Judge Prince was appointed to the position he now holds, and it was upon the recommendation of the leading citizens of Santa Fe and of other places where he was known that Judge Prince appointed him to the position of clerk of his Court, all the functions of which office, he has since been, and still is, faithfully, honestly and ably discharging. It is also alleged that Judge Prince has refused to appoint another clerk of his Court at this place. Well, if he has ever been asked to do so, he, undoubtedly, could not do otherwise than refuse, and his refusal in this respect, ought to be, by men of even ordinary intelligence, considered an argument in his favor rather than against him, for, if, in compliance with such request, he had appointed a clerk of his Court here, he would, in having done so, have committed an act of such gross ignorance of the organic law which prescribes his duty, and limits his power, in reference to the appointment of such officer, as would prove him to be unfit for the position he holds, and would constitute one of the best grounds for his removal. It is further alleged that, in consequence of the Judge's refusal as aforesaid, any person who may be required to "examine titles of real estate situated in this county, must go to the expense of telegraphing to Santa Fe, in order to find out if there is

any judgments against the parties who owned it." If transcripts or certified copies of such judgments are not recorded in the office of the Clerk of the Probate Court of this county, such judgments do not at all affect the title of said property. Therefore it would be folly "to go to the expense of telegraphing to Santa Fe in order to find out this fact. As a legal corroboration of this assertion, I refer to the Act of 1874, entitled an act to create a Lien of Judgment upon Real Estate." As to the Judge's conduct towards the attorneys engaged in a certain case at the last term of his court held here, I must say that it was not such as it ought to have been, and I think that he has since regretted having acted in the manner in which he did. It is also stated that "he adjourned his court upon receiving a certain note written in imitation of a feminine hand, soliciting him to come up immediately to see her," the supposed writer thereof. That is not so. He did not "adjourn his court upon receiving that note." He adjourned it at the usual hour of adjourning it, and, if after he so adjourned it, "he went" to see the supposed author of said note in compliance with the request therein made. It showed that he is not a soulless, miserable misogynist through the window of whose calous heart the light of love never enters, and whose thoughts are continually entombed in the dark sepulchre of his selfishness, but it evidenced, on the contrary, that he, like all gentlemen of noble sensibilities, cultivated taste and refined manners, is a friend and an admirer of the fair sex, is fond of their society, loves to bask in the sunshine of their angelic smiles, and is willing at all times and under all circumstances to yield implicit obedience to their behests. I would, therefore, advise the author of this last charge to give us a rest on that note affair, and I shall now close this article by saying in addition to what I have hereinbefore stated relative to the legal and moral fitness or capacity of Judge Prince for the position he holds, that he is one of the most intelligent and enterprising citizens of this Territory; that the greater part of the capital which is now being employed in the development of our mineral resources and in the creation and establishment of new industries, has been attracted hither by his faithful and intelligent representations abroad of the great natural wealth of New Mexico, and that even Las Vegas in losing him would lose one of her best friends. Adios, P. O. LYDON.

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